

Before the
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

West Leyden Post Office
West Leyden, New York

Docket No. A2011-96

PUBLIC REPRESENTATIVE COMMENTS
SUPPORTING REMAND
(December 30, 2011)

After careful review of the Postal Service's Final Determination, the materials in the Administrative Record, the arguments presented by Petitioner, and the Postal Service Comments, the Public Representative concludes that the decision to close the West Leyden Post Office is arbitrary and capricious. As Petitioner has explained,

the letters to each individual community member were generated by a computer program. These canned responses failed to take into account the nuances of the various concerns of the community members. We believe this program was put into place to allow the USPS to quickly and easily generate evidence to suggest that the procedures required by law were followed. However, knowing what their responses would be before the questions were even asked, shows that the USPS was capricious in its determination to close the West Leyden Post Office.¹

The Postal Service asserts that

while some answers may be "standard" to the extent that these questions have been posed in other discontinuance dockets, the answers provided are responsive to the concerns raised. Moreover, the Postal Service notes that the record in this proceeding is very extensive, consisting of hundreds of customer comments and the Postal Service's responses to customer feedback. Under these circumstances, criticism about the Postal Service's failure to make an independent inquiry is simply not supported.²

¹ Participant Statement Received from Town of Lewis, November 2, 2011, at 3.

² United States Postal Service Comments Regarding Appeal, November 22, 2011, at 15.

Neither Petitioner nor the Postal Service cites to the administrative record to support their assertions.

There is a good reason for this. The West Leyden record, like others prepared by the Albany District,³ is a chaotic mess. Item No. 38, which (according to the table of contents) contains customer comments on the Proposal to close and Postal Service response letters, is not organized in a usable fashion. First come pages 1-30; then pages 100-120; then pages 31-99. Pages 1-30 are actually questionnaire responses, not Proposal comments. And the occasional questionnaire response appears in pages 31-99 as well. One might hope that pages 100-120 are out of order because they relate to the questionnaire responses in pages 1-30. No such luck.

Item No. 38 contains three different response letters addressed to Kimberly MacDougall (pages 90, 92, 97). However, there appear to be only two comments from Kimberly MacDougall (pages 38, 43). Those two comments are dated May 24 and June 2, 2011, and, of course, the June comment appears first. Which response letter goes with which comment? Dates won't help; all the response letters are dated October 4, 2011—another characteristic of the Albany District. The comments and response letters are attached.

Other peculiarities abound. Petitioner submitted a questionnaire response, which appears at pages 4-5 of Item No. 38. The Postal Service's response is at page 69, and appears to have no connection to the concerns raised in the questionnaire response. There are many more examples like this. They raise serious questions as to whether the Postal Service paid any attention to customer concerns.

The final determination to close the West Leyden Post Office should be remanded.

Respectfully submitted,

³ See Docket No. A2011-61, Order Remanding Determination, December 22, 2011, at 6, 9, nn.13-14, 18 (Order No. 1067); Docket No. A2011-78, Public Representative Comments Supporting Remand, December 22, 2011, at 2, n.7.

Emmett Rand Costich
Public Representative

901 New York Avenue, NW, Suite 200
Washington, DC 20268-0001
202-789-6833, FAX: 202-789-6861
email: rand.costich@prc.gov

Optional Comment Form

Following are comments I wish to make concerning the proposed discontinuance of the WEST LEYDEN Post Office.

1. **Effect on Your Postal Services.** Describe any favorable or unfavorable effects you believe the proposal would have on the regularity or effectiveness of your postal services.
★) I would have to drive 26 miles round-trip just to pick up my mail. A rural box is not an option for me due to the nature of my home business, which involves the personal identity information of my clients.
 2. **Effect on Your Community.** Please describe any favorable or unfavorable effects that you believe the proposal would have on your community.
★) It would damage the cohesiveness of our small community. The local post office is in the center of town, it brings us together as a community.
 3. **Other Comments.** Please provide any other views or information that you believe the Postal Service should consider in deciding whether to adopt the proposal.
★) Please consider the disabled individuals who live in town on fixed incomes, who have no transportation to Boonville and/or could not afford to drive there. These individuals rely heavily on the local post office and have no
- Kimberly MacDougall _____
Name of Postal Customer Signature of Postal Customer
- PO Box 300 _____
Mailing Address
- West Leyden, NY 13489 6/2/11
City, State, and ZIP Code Date

place to put out a rural box.
Remember that we live in one of the heaviest snowfall areas in the State of NY, and this affects whether we can utilize a rural box.

Kimberly G. MacDougall
Social Security Disability / SSI
Claimant Representative
P.O. Box 300
West Leyden, NY 13489

DOCKET NO. 1387082-13489
ITEM NO. 38
PAGE 43

May 24, 2011

Brian Shepardson
Manager, Post Office Operations
30 Karner Road
Albany, New York 12288-9992

Re: Proposed Discontinuance of the West Leyden Post Office

Dear Mr. Shepardson:

I have received your letter dated May 19, 2011 in response to my questionnaire. Unfortunately, that letter did not entirely address my concerns.

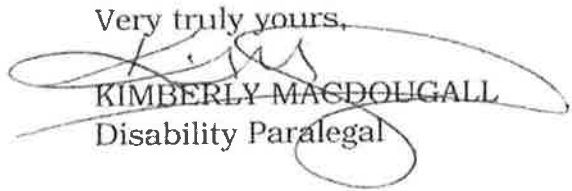
I understand that I can obtain stamps from a carrier and that I can obtain postage on-line. This is not the reason that I travel the 6 miles to the West Leyden Post Office. I have chosen to obtain a large sized Post Office box instead of receiving rural delivery because of the large snowfall that we receive here on the Tug Hill. I previously lived in Albany, New York, and I can tell you that the snowfall there cannot compare at all with here.

Rural delivery mailboxes often get knocked over by snowplows in our area. That wouldn't be a huge issue for me, except that my line of work deals with the sensitive information of my clients. I represent individuals seeking Social Security Disability and SSI benefits. I receive a large amount of correspondence including information containing my clients' Social Security numbers and their private medical records. It would not do to have this type of mail scattered all over the snow-covered roads.

Moving the Post Office to Boonville, New York would mean I would have to drive 13 miles each way every day just to pick up my mail. This would hurt my business in terms of cost of fuel and in terms of the time spent away from my home office in travel.

Thank you for your attention to these concerns.

Very truly yours,


KIMBERLY MACDOUGALL
Disability Paralegal

Dedicated to providing professional, individualized, and compassionate advocacy to the North Country.

Phone (315) 942-6883 NorthCountryAdvocate@gmail.com Fax (315) 942-9019



10/04/2011

KIMBERLY MACDOUGALL
PO BOX 300
WEST LEYDEN, NY 13489

Dear Postal Service Customer:

Thank you for taking the time to submit your comments to the proposal to close the West Leyden Post Office. Your comments are appreciated and will be carefully considered, along with the comments of other customers, as the matter is reviewed further in my office and at higher levels of the Postal Service.

In response to your letter:

- You expressed a concern about the security of mail. Customers may place a lock on their mailboxes. The mailbox must have a slot large enough to accommodate the customer's normal daily mail volume. The Postal Service does not open mailboxes which are locked and does not accept keys for this purpose.

I realize with change there is always concern. However we are confident that the alternate service listed in the proposal will continue to provide you with effective and regular service. If you have additional questions or comments, please feel free to contact Nadine Tremblay at (518) 452-4085.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Krul".

Michelle Krul
Manager, Post Office Operations
30 Kerner Rd
Albany, NY, 12288-9992



10/04/2011

KIMBERLY MACDOUGALL
PO BOX 300
WEST LEYDEN, NY 13489

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In response to your letter:

- You expressed a concern about having to travel to another Post Office for service. Services provided at the Post Office will be available from the carrier, and customers will not have to travel to another Post Office for service. Most transactions do not require meeting the carrier at the mailbox. Stamps by Mail and Money Order Application forms are available for customer convenience. Stamps are also available at many stores and gas stations where customers may already shop, online at usps.com, or by calling 1-800-STAMP-24.
- You expressed a concern about the loss of a gathering place and an information center. Residents may continue to meet informally, socialize, and share information at the other businesses, churches and residences in town.
- You expressed a concern about those customers with disabilities who are not able to go to the Post Office to pick up their mail. Customers are not required to travel to another Post Office to receive mail or obtain retail services. These services will be provided by the carrier to a roadside mailbox located close to customers' residences. In hardship cases, delivery can be made to the home of a customer. Changes in the type of delivery are considered where service by existing methods would impose an extreme physical hardship for an individual customer. Any request for a change in delivery method must be submitted in writing to the Boonville postmaster.

I realize with change there is always concern. However we are confident that the alternate service listed in the proposal will continue to provide you with effective and regular service.

If you have additional questions or comments, please feel free to contact Nadine Tremblay at (518) 452-4085.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Krul".

Michelle Krul
Manager, Post Office Operations
30 Karner Rd
Albany, NY, 12288-9992



10/04/2011

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Thank you for taking the time to submit your comments to the proposal to close the West Leyden Post Office. Your comments are appreciated and will be carefully considered, along with the comments of other customers, as the matter is reviewed further in my office and at higher levels of the Postal Service.

In response to your letter:

- The PMG has tasked management to review all offices with a postmaster vacancy, to determine if regular and effective service can be provided through cost effective alternate access. Additionally, we review workload analysis using a time-formula assigned to the tasks of an office over an extended period. It looks at the types of transactions in an office and the complexity of those transactions. A stamp sale, a money order or a passport transaction are all credited differently. We measure customer demand, in part, by revenue figures. Some of this information, such as package sales, is proprietary. However, in most post offices with retail terminals, we pull up numbers and types of window transactions. We even see "down time." We look at what other services are available nearby at post offices or at partner businesses, like stores that sell stamps or contracted units. Finally, we consider our total operating expenses. That includes lease, salaries and benefits; replacement pay when there is an absence; training hours; equipment, stock and supplies on hand; utilities; maintenance; transportation and other operational costs.
- You expressed a concern that the Postal Service exhibits a lack of interest in the mailing needs of the community. The Postal Service is required to provide each community with regular and effective service, using the most cost efficient means possible. The proposed alternate delivery service will meet the mailing and service needs of the community in a more cost effective manner.

I realize with change there is always concern. However we are confident that the alternate service listed in the proposal will continue to provide you with effective and regular service.
If you have additional questions or comments, please feel free to contact Nadine Tremblay at (518) 452-4085.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Krul".

Michelle Krul
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Albany, NY, 12288-9992